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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,648	07/23/2002	Jean Kaufmann	FE-19PCT	9225

7590
Friedrich Kueffner
317 Madison Avenue
Suite 910
New York, NY 10017

09/30/2005

EXAMINER

NGUYEN, SON T

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EV

Office Action Summary	Application No.		Applicant(s)	
	10/070,648		KAUFMANN ET AL.	
	Examiner		Art Unit	
	Son T. Nguyen		3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1 & 7** are rejected under 35 U.S.C. 102(b) as being anticipated by Crane (28563).

For claim 1, Crane teaches a snaffle bit for horses comprising a mouthpiece consisting of at most two side parts (C), which can be placed between the upper and lower jaws and extend crosswise through the mouth, the mouthpiece has a through opening (where rings D fit therethrough at the ends of the parts C) at each of its two ends projecting out from the sides of the mouth, each opening carrying a ring (D), wherein the mouthpiece has the shape of an outward-curved bow (see fig. 2 near ref. a) extending across the tongue and lower jaw and, wherein the bow shape of the mouthpiece is located on a plane extending substantially perpendicular to the through-openings, wherein the side parts are connected by a joint (a) that can only pivot around an axis substantially perpendicular to the plane, the joint being located substantially in the center of the mouthpiece (see fig. 2, pivot axis as shown in phantom, which is perpendicular to the plane of the bow).

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For claim 7, Crane teaches wherein a pin (c) passes through the ends of the side parts, which form the joint, the pin being held in place in the end of the one of the two side parts which forms the joint fork.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 8,9,11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Crane (as above) in view of Conrad (4587797).

For claim 8, Crane teaches what appeared to be a circular cross section mouthpiece. However, this is uncertain. Conrad teaches a horse bit comprising a circular or elliptical cross section (see drawings). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a circular or elliptical cross section as taught by Conrad for the mouthpiece of Crane for such cross section is notoriously well known in the art of horse bits because the cross section provide a smoother surface for the horse to bite on.

For claims 9 & 11, Crane teaches cast iron (line 71) but not steel. In addition to the above, Conrad teaches the mouthpiece being made out of steel (col. 3, lines 34-35). It would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture the mouthpiece of Crane out of steel as taught by Conrad, since it has been held to be within the general skill of a worker in the art to

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select a known material on the basis of its suitability for the intended use as a matter of obvious choice. In re Leshin, 125 USPQ 416.

5. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Crane (as above) in view of Simington (4005564).

Crane is silent about pivot bearing sockets. Simington teaches a mouthpiece including pivot bearing sockets (the extension at the end of the mouthpiece) projecting out from at least one side of the through-openings and which represent extensions of these openings, are provided on the free ends of the mouthpiece, perpendicular to or at an angle of $< 90^\circ$ to the plane formed by the bow shape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ pivot bearing sockets as taught by Simington at ends of the mouthpiece of Crane in order to provide for movement.

Response to Arguments

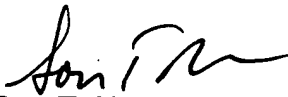
6. Applicant's arguments with respect to claims 1,7-11 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is 571-272-6889. The examiner can normally be reached on Mon-Thu from 10:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Son T. Nguyen
Primary Examiner
Art Unit 3643

stn